

branches bearing olives embossed on top of can] Imported From Italy"; (Acomo Fo brand, cans) "Imported Products Sublime Olive Oil The Olive Oil Contained in this can is pressed from fresh picked high grown fruit, * * * and guaranteed to be absolutely pure under any chemical analysis. L'Olio d'oliva contenuto in questa latta e ottenuto dal miglior frutto appena colto confezionato dal produttore nelle migliori condizioni igieniche e garantito puro a qualsiasi analisi chimica. Il produttore raccomanda al consumatore di distruggere questa latta appena vuota affine di evitare che, poco scrupolosi rivenditori la riempiano con oli adulterati o con oli di qualita inferiore. Il produttore avverte i rivenditori, che procedera contro i termini di legge [imprinted on top of can] Imported From Italy [designs of olive branches.]" Misbranding was alleged for the further reason that the article purported to be imported Italian olive oil, whereas it was domestic cottonseed oil; and for the further reason that it was offered for sale under the distinctive name of another article, namely, olive oil.

On September 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25177. Adulteration and misbranding of butter. U. S. v. 3 Tubs, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 36396, 36397. Sample nos. 38843-B, 38848-B, 38849-B.)

These cases involved tub and print butter; the former was adulterated because of deficiency in milk fat and the latter was misbranded, since a part bore no declaration of weight on the package, and the label of the remainder bore an incorrect declaration of weight.

On August 29 and September 4, 1935, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 3 tubs and 17 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 10 and August 27, 1935, by the DeLuxe Foods Corporation, from Senatobia, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the print butter was labeled in part: (Carton) "E. M. Fancy Creamery Butter * * * One Pound Net * * * DeLuxe Foods Corp. of La. * * * New Iberia, La."; (wrapper) "4 oz. Net Weight."

The tub butter was alleged to be adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged with respect to a portion of the print butter for the reason that the statements, "One Pound Net" and "4 oz. Net Weight", borne on the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct. Misbranding was alleged with respect to the remainder of the print butter for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 20, 1935, the DeLuxe Foods Corporation having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that the tub butter be reworked to the legal standard and that the print butter be properly labeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

25178. Adulteration of huckleberries. U. S. v. 18 Baskets of Huckleberries. Decree of condemnation and destruction. (F. & D. no. 36291. Sample no. 37446-B.)

This case involved a shipment of huckleberries that contained maggots.

On August 2, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 baskets, each containing 12 quarts of huckleberries, at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 31, 1935, by J. B. Smelser, from Stanley, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 6, 1935, the consignee having requested the destruction of the product, judgment was entered ordering that it be destroyed immediately.

W. R. GREGG, *Acting Secretary of Agriculture.*

25179. Adulteration of apples. U. S. v. A. J. Todkill. Plea of guilty. Fine, \$50. (F. & D. no. 35921. Sample nos. 7477-B, 20767-B, 23739-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On September 3, 1935, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against A. J. Todkill, trading at Barker, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 16, 1934, from the State of New York into the State of New Jersey, and on or about November 21, 1934, from the State of New York into the State of Pennsylvania, of quantities of apples which were adulterated. A portion of the article was labeled in part: "Duchess S Powley Lyndonville NY."

The article was alleged to be adulterated in that it contained added poisonous and deleterious substances, namely, arsenic and lead, which might have rendered it injurious to health.

On October 21, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

25180. Adulteration of apples. U. S. v. 36 Bushels of Apples. Default decree of condemnation. Product delivered to a charitable institution. (F. & D. no. 36410. Sample no. 38576-B.)

Examination of the apples covered by this case showed the presence of lead in an amount that might have rendered them injurious to health.

On August 24, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 bushels of apples at Denver, Colo., consigned by Cicardi Bros. Fruit & Produce Co., from Elsberry, Mo., alleging that the article had been shipped in interstate commerce on or about August 5, 1935, from the State of Missouri into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "H. W. Ringhausen, Elsberry, Mo."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, namely, lead, which might have rendered it injurious to health.

On September 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution on condition that the deleterious substance be removed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25181. Adulteration of huckleberries. U. S. v. 7 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 36294. Sample no. 42349-B.)

This case involved a shipment of huckleberries which were infested with maggots.

On August 6, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven crates of huckleberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 2, 1935, by Davis & Marvel, from Seaford, Del., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 28, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*